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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 Stephen Eugene Mauer,)	No. CV 11-8029-PCT-RCB (JRI)
10 Plaintiff,)	ORDER
11 vs.)	
12 Mohave County Sheriff, et al.,)	
13 Defendants.)	

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15 On April 20, 2011, Plaintiff Stephen Eugene Mauer, who was not confined when he

16 filed his *pro se* Prisoner Civil Rights Complaint and who is not currently confined, filed a

17 “Motion for Appointment of Counsel. Or Legal Assistance” (Doc. 11).

18 There is no constitutional right to the appointment of counsel in a civil case. See Ivey

19 v. Board of Regents of the University of Alaska, 673 F.2d 266, 269 (9th Cir. 1982). In

20 proceedings *in forma pauperis*, the court may request an attorney to represent any person

21 unable to afford one. 28 U.S.C. § 1915(e)(1). Appointment of counsel under 28 U.S.C.

22 § 1915(e)(1) is required only when “exceptional circumstances” are present. Terrell v.

23 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). A determination with respect to exceptional

24 circumstances requires an evaluation of the likelihood of success on the merits as well as the

25 ability of Plaintiff to articulate his claims *pro se* in light of the complexity of the legal issue

26 involved. Id. “Neither of these factors is dispositive and both must be viewed together


27 before reaching a decision.” Id. (quoting Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th

28 Cir. 1986)).

1 Having considered both elements, it does not appear at this time that exceptional
2 circumstances are present that would require the appointment of counsel in this case. Thus,
3 the Court will deny without prejudice Plaintiff's Motion for Appointment of Counsel. Or
4 Legal Assistance."

5 **IT IS ORDERED** that Plaintiff's Motion for Appointment of Counsel. Or Legal
6 Assistance" (Doc. 11) is **denied without prejudice**.

7 DATED this 27th day of April, 2011.

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11 Robert C. Broomfield
12 Senior United States District Judge
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